

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS  
MINUTES**

DATE: August 1, 2005

TIME: 9:00 a.m. C.D.T

LOCATION: Cumberland Room  
Ground Floor, Cordell Hull Building  
425 fifth Avenue North  
Nashville, TN 37247-1010

MEMBERS PRESENT: Harold Walker, Chair, NHA  
Mark Davis, Vice-Chair, NHA  
Jennifer Johnson, MD  
Katy Gammon, HCF Director, Ex Officio  
Norma Lester, RN, NHA  
Susan Carson, Consumer

MEMBERS ABSENT: Craig Laman, NHA  
Kathryn Wilhoit, RN, NHA  
Palyce Jones, RN, NHA  
Robbie Bell, Ex Officio

STAFF PRESENT: Karen Robinson, Board Administrator  
Marva Swann, Unit Director  
Juanita Presley, Advisory Attorney  
Jerry Kosten, Regulations Manager  
Lea Phelps, Disciplinary Coordinator  
Elisha Hodge, Assistant General Counsel Attorney  
Michael Stovall, Administrative Law Judge

GUEST: Christopher Puri, Legal Counsel, THCA

With a quorum being present, Mr. Walker called the meeting to order at 9:12 a. m.

**Conflict of Interest**

Ms. Presley reviewed the new Conflict of Interest Policy and reminded the Board members of their responsibilities under the policy and instructed each new Board member to sign the policy and submit it to the Board administrator to be placed in their files.

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### **Contested Case Hearing – John M. Pugh**

Mr. Pugh appeared before the Board to give explanation of allegations brought against him from a survey that was completed on January 23, 2003. Mr. Pugh represented himself. Ms. Hodge represented the State and Judge Michael Stovall presided over the case.

Mr. Pugh testified on his own behalf stating he was asked by Terri Jay, Surveyor for the State Department of Health who the Director of Nursing (DON) was at his facility. Mr. Pugh stated he had a verbal agreement with Mr. Ramel Togaytayan, Quality Assurance Nurse, to accept the interim position as the first DON.

Mr. Togaytayan, witness for the State, testified that Mr. Pugh approached him about taking the interim position as the DON. Mr. Togaytayan, stated he submitted a letter of resignation for the DON position on April 12, 2002 and told Mr. Pugh he would help out when he could but he did not want the position of DON.

Ms. Jay, witness for the State, testified that she asked Mr. Pugh, who the DON was and he stated Mr. Tagaytayan. Ms. Jay asked Mr. Pugh if he had it in writing that Mr. Tagaytayan accepted the interim position as the DON position; and he stated no. Ms. Jay, testified she had asked a few of the staff who the DON was and they all stated they did not have one.

After the conclusion of the case, Judge Stovall informed the Board that they were the authority in interpreting their rules and pursuant to the Administrative Procedures Act needed to determine the finding of facts, conclusions of law, and policy reason for their decision. After discussion of the case between Board members, A motion was made by Mr. Davis and seconded by Ms. Lester to suspend Mr. Pugh's license for six (6) months and serve a probation period of six (6) months. The motion carried with a unanimous vote.

Mr. Walker, stated this action was taken to uphold the law, safety, and the welfare of the public.

### **Rule-Making Hearing**

Mr. Kosten presented to the Board a rulemaking hearing to be held October 19, 2005 regarding the following:

- a. Screening Panels
- b. Advertising
- c. Use of Titles
- d. Continuing Education Deadlines
- e. Licensure Application
- f. Continuing Certification for Preceptors

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After much discussion, a motion was made by Mr. Davis and seconded by Ms. Gammon to approve a rulemaking hearing. The motion carried with a unanimous vote.

### **Minutes**

A motion was made by Mr. Davis and seconded by Ms. Gammon to approve the minutes of the June 6, 2005 board meeting. The motion carried.

### **Applicant Review/File Review**

**Valdeko Kreil**—Mr Kreil was requested to appear before the Board for reinstatement of his license. It had been determined at the April 30, 1990 Board meeting that he would have to appear before the Board before his license could be reinstated. Mr Kreil was request by certified mail four times to attend a Board meeting. Mr. Kreil did not appear at any meeting. A motion was made by Mr. Davis and seconded by Ms. Lester to deny reinstatement of licensure. The motion carried.

**Harland Bicking**—Mr. Bicking appeared before the Board to give an explanation of derogatory information from the state of Texas. A motion was made by Mr. Davis and seconded by Ms. Gammon to approve Mr. Bicking for licensure after passing the Jurisprudence examination. The motion carried.

**Janet Pulley**—Ms. Pulley was requested to appear before the Board to give an explanation of her A.I.T., Steven Todd failing, the NAB examination twice. Ms. Pulley stated that Mr. Todd had been under stress with his oldest daughter passing away in a car accident, his wife having a baby, and his mother being diagnosed with Transverse Myelitis. Ms. Pulley stated she had requested that Mr. Todd not take the exam and take some time off to rest. Mr. Todd was afraid he would lose his exam fee, and was not aware he could call the Professional Examination Service and get the exam moved to a later date due to his hardships. Ms. Pulley explained that Mr. Todd worked third shift at the Weakley County Sheriff's Department. The Board recommended that Mr. Todd, as a tutorial, attend the National Administrator Board Exam course (NAB) with Tennessee Health Care Association (THCA).

**Debbie Powell**— Ms. Powell appeared before the Board to give an explanation of derogatory information from the state of Colorado. After much discussion, a motion was made by Mr. Davis and seconded by Dr. Johnson to approve Ms. Powell for licensure after passing the Jurisprudence examination. Mr. Davis requested that it be documented that the state of Colorado did not offer an Administrator-In-Training program at the time that Ms. Powell was licensed and that she meets Tennessee's educational requirements of an Associate degree and three years of management experience and a six months Administrator-In-Training program with the many years of experience she has as a nursing home administrator. The motion carried.

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**Samuel Ware**—Mr. Ware was requested to appear before the Board to give an explanation of the Tennessee nursing home administrator experience that he did not put on his resume. Mr. Ware was not present. A motion was made by Mr. Davis and seconded by Dr. Johnson not to approve Mr. Ware for reinstatement of his licensure. The motion carried.

**Raymond Watt**—Mr. Watt was requested to appear before the Board to give an explanation of nursing home administrator experience. After much discussion, a motion was made by Mr. Davis and seconded by Ms. Gammon that Mr. Watt did not meet the requirement for a preceptor. The Board recommended that Mr. Watt reapply December 5, 2005. The motion carried.

**Elbert Mask**—Mr. Mask requested to appear before the Board for reinstatement of his license. After much discussion, a motion was made by Mr. Davis and seconded by Ms. Lester to approve Mr. Mask for licensure pending that he submit eighteen hours (18) of continuing education per year from 2000 thru 2004 which equals to ninety (90) continuing education hours that are NAB approved, pay a reinstatement fee of one hundred and ninety dollars (\$190.00), penalty late fee of two hundred dollars (\$200), and a state regulatory fee of one hundred and fifty dollars (\$150.00). The motion carried.

**Glenn Marr**—Mr. Marr was requesting to appear before the Board to give explanation of his management experience. After much discussion, a motion was made by Ms. Lester and seconded by Mr. Davis not to approve Mr. Marr for licensure due to not having the three (3) years of management experience. The motion carried.

**Robert Seymour**—Mr. Seymour was requested to appear before the Board to give an explanation of his management experience. Mr. Seymour was questioned about his resume stating that he was the interim administrator at Mountain View Rehabilitation and Nursing Center in Winchester TN. from June 1, 2005 to the present. Mr. Walker, Board Chair, asked Mr. Seymour if he had received a waiver from the Health Care Facilities Department for him to act as the interim administrator. Mr. Seymour stated he did not know he needed a waiver at the time he accepted the job. Mr. Seymour stated the CEO said he submitted a letter to HCF requesting that the Director of Nursing be placed in the interim administrator position until he gets his license. Ms. Gammon stated that a letter was submitted requesting a waiver, and the HCF Board meeting will take place August 3, 2005. After much discussion, a motion was made by Mr. Davis and seconded by Ms. Lester to approve Mr. Seymour for licensure after passing the Jurisprudence examination. The motion carried.

**Stephen Shride**—Mr. Shride was requested to appear before the Board to give explanation of his management experience. After much discussion, a motion was made by Mr. Davis and seconded by Ms. Gammon to approve Mr. Shride for licensure after passing the Jurisprudence examination. The motion carried.

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### **New Administrator-In-Training Applicants**

A motion was made by Mr. Davis and seconded by Dr. Johnson to approve the following for a six (6) months A.I.T. program and Ms. Brenda Vanhooose for a twelve (12) months A.I.T. program. The motion carried.

Brea Beaven  
Gregory Goins  
Brenda Vanhooose

Angela Dortch  
Michael Wheeler

### **NAB Exam Approval**

A motion was made by Dr. Johnson and seconded by Ms. Gammon to approve Lori Goodman to sit the NAB Examination. The motion carried.

### **Preceptor Application Approval**

A motion was made by Ms. Gammon and seconded by Dr. Johnson to approve the following preceptor applications, with Mr. Hargrove's application pending, that a Board member submit proof of a phone interview. The motion carried.

Becky Spray  
Richard Hargrove

### **Office of General Counsel Report**

Ms. Presley presented the OGC report in which she gave the status of the following rules:

- 1020-1-.15 – Order Mod- regarding compliance, appearance, and revision of assessment costs. Effective March 13, 2005.
- 1020-1-.01, .06, .13- Definitions Re: Preceptors, and Administrators-In-Training meeting fact to face in the approved training facility. Sent to the Attorney General on April 7, 2005.
- 1020-1-.08, Re: Criminal background check. Hearing held May 23, 2005. Approved by OGC for transmittal to the Attorney General's Office on June 16, 2005.
- 1020-1.03, Proposed amendment to add screening panel language.

1020-1.06 (2) (a), Proposed amendment to set forth requirements for maintaining preceptor certification.

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- 1020-1.08 (4), Proposed amendment to require submission with the application a “passport” style photograph taken within the preceding twelve (12) months.
- 1020-1.12 (1) (d) 1,2,3, Amendment to continuing education requirements relative to waiver or extension of time to complete requirements.
- 1020-1.18, Amendment setting forth prohibited acts or omissions in the context of advertisements by licensee which can be subject to disciplinary action.

### **Administrative Reports**

Ms. Robinson presented the statistical report which indicated the following:

<b>Active Licensees – 757</b>
<b>Retired Licensees – 777</b>
<b>Failed to Renew – 638</b>

### **LICENSURE STATUS SINCE MAY 2005 MEETING**

<b>Nursing Home Administrators</b>	<b>Nursing Home Administrators</b>
<b>May 2005</b>	<b>June 2005</b>
<b>Newly Licensed - 5</b>	<b>Newly Licensed – 7</b>
<b>Reinstates - 1</b>	<b>Reinstates – 2</b>
<b>Retired - 1</b>	<b>Retired - 1</b>

### **PERFORMANCE MEASURES**

<b><i>Performance Measure</i></b>	<b><i>Goal</i></b>	<b><i>Jan – May 2005</i></b>	<b><i>Average</i></b>
Renewal Processing Time	14 days	0.1 days	0.1
Application Processing Time	100 days	236 days	

The application processing time is directly relative to the length of the A.I.T. program, the length of the NAB examination process, and the length of the state Jurisprudence examination and the success or lack thereof, of the applicants on the examinations.

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### **Investigative And Disciplinary Reports**

Ms. Phelps presented the Investigative report which indicated that there were four (4) open complaints in investigations as of June 2005. Two (2) complaints closed, one (1) complaint closed with no action, one (1) complaint closed with letter of concern.

### **Ratifications**

A motion was made by Mr. Davis and seconded by Ms. Gammon to approve the following for licensure. The motion carried.

#### **New Licensee**

Ronald Joyner  
Linda Sherlin  
Wendy Trimboli

Selma Levay  
Charles Tarbox  
Cynthia Wheeler

#### **Reinstatements**

A motion was made by Mr. Davis and seconded by Dr. Johnson to approve the following reinstatement application for licensure. The motion carried.

Van Christopher Poole  
Jeffery Scott  
Clarence Tant

### **Extension of Continuing Education**

Betty Pope – Requested extension of her 2004 continuing education due to hardship. A motion was made by Mr. Davis and seconded by Dr. Johnson to defer this case until the next Board meeting. The motion carried.

### **Adjournment**

There being no further business, the meeting was adjourned at 2:40 p.m.

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Secretary's Signature

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Date

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